

Remarks

Claims 1-18 and 20-23 are pending.

Claims 2, 4-8, 12-17, 20 and 21 are original.

Claims 1, 3, 9-11, 18, 22 and 23 are as previously presented.

Applicants respectfully request that the response and declaration mailed May 6, 2008 be entered and be considered along with the following additional remarks.

Claims 1-18 and 20-23 are rejected under 35 USC 103(a) over Haremza, et. al., US 6,214,929. Applicants respectfully traverse the rejections.

While one can find some general similarities between the object of Haremza's invention and the instant invention, Applicants respectfully contend that Haremza provides a composition that is significantly different from that of the instant invention, that the methods disclosed in Haremza are not capable of providing the instant compositions, especially in terms of the greater than 1:1 ratio of additive to carrier polymer, and that it is therefore clear that the instant compositions were not contemplated by Haremza.

Both inventions provide an aqueous dispersion comprising a polymer and a stabilizer. However, the polymer of Haremza is not the polymer of the instant invention. The instant invention comprises a polymer that is prepared in the presence of the stabilizer. As a result, the instant polymer has completely different properties from that of Haremza as can be readily seen by the nature of the dispersions prepared in the declaration of Pirrrung.

It is known that the process by which a polymer is prepared will greatly effect the physical nature of the resulting polymer. In the instant invention, the polymer formed in the presence of the additive clearly has different properties because it can form stable aqueous dispersions of stabilizers at concentrations well beyond any concentration prepared or envisioned in Haremza. The obvious inference is that the polymers of the instant invention are in fact physically different because they have different properties.

While the Examiner may be correct that there is no explicit statement in Haremza that the invention is limited to the therein mentioned 50% or less of additive in relation to polymer, Applicants respectfully point out that there are no examples in Haremza that approach the 50% amount.

Applicants respectfully aver that it is clear, even without the evidence in the Pirrung declaration, that additive amounts of 50% are well beyond what is enabled or contemplated by Haremza.

In the Action of January 2, the Examiner states that there is nothing in Haremza that there is a disadvantage to having more than 50% stabilizer. Applicants naturally agree, and go further in suggesting that higher concentrations of stabilizers would be an advantage. However, Haremza does not teach or enable such a composition. Applicants have found a novel way to prepare such a desirable composition for which they seek patent protection.

The Action of January 2, also suggests that a second polymer be present in the Haremza compositions in a very small amount which could be named the "carrier polymer" and thus a high concentration of additive to the "carrier polymer" could be prepared. Applicants respectfully point out that even under this scenario, which appears to be outside the actual teaching of either invention, the thus named "carrier polymer" would still not be the carrier polymer of the instant invention.

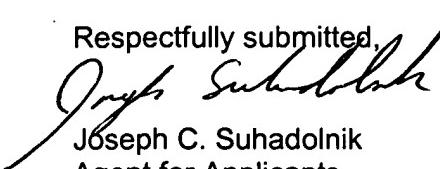
Applicants therefore submit that the instant invention is different in that it comprises a different polymer than any considered by Haremza, which polymer is prepared by a process not disclosed in Haremza, and as a result of this process a novel polymer / stabilizer composition is available which is capable of forming novel aqueous dispersions, that while desirable, have been previously unavailable.

In light of the above discussion and the declaration of Pirrung, Applicants respectfully submit that the instantly claimed invention surprisingly provides dispersions with properties not available via the teachings of the cited art and kindly ask that the rejections under 35 USC 103(a) over Haremza, et. al., US 6,214,929 be withdrawn and that claims 1-18 and 20-23 be found allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

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